



Montoya, Darlene <dmontoya@nmag.gov>

Response to your request...

3 messages

Joseph Silva <jsilva23@unm.edu>

Tue, Dec 20, 2016 at 9:18 AM

To: "dmontoya@nmag.gov" <dmontoya@nmag.gov>

Ms. Montoya,

I have attached the documents you requested along with a cover letter signed by our chief. If you have further questions concerning this matter, please feel free to contact me directly.

Regards,

Joseph O. Silva
Police Commander
UNM Police Department
Hokona Hall
The University of New Mexico
(505) 277-1919

Go Lobos!

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2 attachments

 **Cover Letter UNMPD_0001.pdf**
277K

 **UNM POLICE.pdf**
1202K

Montoya, Darlene <dmontoya@nmag.gov>

Tue, Dec 20, 2016 at 10:01 AM

To: Joseph Silva <jsilva23@unm.edu>

Thank you so much Commander Silva. I hope you and your Department have a very Merry Christmas, and a wonderful and safe New Year.

[Quoted text hidden]

—
Darlene Montoya, Administrator
New Mexico Attorney General's Office
408 Galisteo Street
Santa Fe, New Mexico 87501
(505) 490-4854

Joseph Silva <jsilva23@unm.edu>

Tue, Dec 20, 2016 at 2:33 PM

To: "Montoya, Darlene" <dmontoya@nmag.gov>

Thank you Darlene...May you also have a blessed Christmas and joyous New Year!

From: Montoya, Darlene [mailto:dmontoya@nmag.gov]

Sent: Tuesday, December 20, 2016 10:01 AM

To: Joseph Silva

Subject: Re: Response to your request...

[Quoted text hidden]



University of New Mexico Police Department

SPECIAL ORDER 2016-01

November 1, 2016

To: All Police Personnel

From: Kevin McCabe, Chief of Police

KMM 11-7-16

REF: UNMPD SOP 2ND EDITION

Effective immediately, the 2nd Edition of the University of New Mexico Police Department's SOP has been completed and is now implemented. The previous edition of the departmental SOP is no longer in force. All supervisors will ensure that officers review the new edition, especially the most important directives concerning use of force, pursuits, etc.

I would also like to take this opportunity to thank everyone who was involved in the tedious but important work of reviewing, updating, and editing the new edition of the SOP. I know that there were a number of UNMPD personnel who were not on the SOP Review Committee but made a contribution to its completion. Thank you to all!

cc: File



Effective: 11/01/2016
CALEA Standard(s)--

Revised:

LAW ENFORCEMENT CODE OF ETHICS

All law enforcement officers must be fully aware of the ethical responsibilities of their position and must strive constantly to live up to the highest possible standards of professional policing. The University of New Mexico Police Department believes it is important that police officers have clear advice and counsel available to help them perform their duties consistent with these standards, and has adopted the following ethical mandates as guidelines to meet these requirements:

Primary Responsibilities of a Police Officer

Prior to assuming sworn status, all personnel will take and subsequently abide by the oath of office, as specified within the SOP Manual. All law enforcement officers are required to abide by the Law Enforcement Code of Ethics approved by the Chief of Police. All law enforcement personnel are individually responsible for achieving agency crime prevention and community relations goals and should assist fellow officers in this regard. A law enforcement officer acts as an official representative of the government; the officer is required and trusted to work within the law. The officer's powers and duties are conferred by State statute as applicable. The fundamental duties of a police officer include serving the community; safeguarding lives and property; protecting the innocent; keeping the peace; and ensuring the rights of all to liberty, equality, and justice.

Performance of the Duties of a Police Officer

A police officer performs all duties impartially, without favor, affection, or ill will and without regard to status, sex, race, religion, political belief, or aspiration. All citizens are treated equally with courtesy, consideration, and dignity. Officers shall not allow personal feelings, animosities, or friendships to influence official conduct. Laws are enforced appropriately and courteously and, in carrying out their responsibilities, officers strive to obtain maximum cooperation from the public. They conduct themselves, in appearance and manner, in a way that inspires confidence and respect for the position of public trust they hold.

Discretion

A police officer uses responsibly the discretion vested in the position and exercises it within the law. The principle of reasonableness guide the officer's conclusions and the officer considers all surrounding circumstances in determining whether any legal action will be taken. Consistent and wise use of discretion, based on professional policing competence, does much to preserve good relationships and retain the confidence of the public. It can be difficult to choose between conflicting courses of action. It is important to remember that a timely word of advice rather than arrest - which may be correct in appropriate circumstances - can sometimes be a more effective means of achieving a desired end.



Effective: 11/01/2016
CALEA Standard(s)--

Revised:

Use of Force

The UNM PD understands that the use of force is occasionally unavoidable. However, police officers shall not intentionally cause the unnecessary infliction of pain or suffering, shall not engage in cruel, degrading, or inhuman treatment of any person, and shall only use that force necessary to achieve lawful objectives. The Standard Operating Procedures Manual contains specific written guidelines governing the use of force and the use of lethal and intermediate force weapons which officers are required to follow.

Confidentiality

Whatever a police officer sees, hears, or learns of, which is of a confidential nature, is not divulged unless the performance of duty or legal provision requires otherwise. The public has a right to security and privacy, and information obtained about members of the public must not be improperly divulged.

Integrity

A police officer does not engage in acts of corruption or bribery, nor does an officer condone such acts by other police officers. The public demands that the integrity of police officers be above reproach. Police officers must, therefore, avoid any conduct that might compromise their integrity and that undercuts the public confidence in a law enforcement agency. Officers shall refuse to accept any gifts, presents, subscriptions, favors, gratuities, or promises that could be interpreted as seeking to cause the officer to refrain from performing official responsibilities honestly and within the law. Police officers must not receive private or special advantage from their official status. Respect from the public cannot be bought; it can only be earned and cultivated.

Cooperation with Other Officers and Agencies

Police officers cooperate with all legally authorized agencies and their representatives in the pursuit of justice. An officer or agency may be one among many organizations that provide law enforcement services to a jurisdiction. It is essential that a police officer help colleagues fully and completely with respect and consideration.

Personal/Professional Capabilities

Police officers are responsible for maintaining a high standard of professionalism and take every reasonable opportunity to enhance and improve their level of knowledge and competence. Through study and experience, a police officer can acquire the high level of knowledge and competence that is essential for efficient and effective performance. The acquisition of knowledge is a never-ending process of personal and professional development that should be pursued constantly.

Private Life

Police officers will behave in a manner that does not bring discredit to their agencies or themselves. A police officer's character and conduct while off-duty must always be exemplary, thus maintaining a position of respect in the community in which he or she lives and serves. The officer's personal behavior must be beyond reproach.



Effective: 11/01/2016
CALEA Standard(s)--

Revised:

III AUTHORITY, RESPONSIBILITY, AND DIRECTION

POLICY

It is essential for continued and successful operations that every employee of the University of New Mexico Police Department (UNMPD) recognize the authority and responsibility of the Chief, the designation of command during their absence, and the accountability of supervisors for the performance of subordinates.

RULES AND PROCEDURES

III-01 AUTHORITY AND RESPONSIBILITY OF THE CHIEF OF POLICE

- A. New Mexico State Statutes, Section 29-5-2, authorizes the board of regents of each state educational institution, designated in Article 12, Section 11 of the constitution of New Mexico, to employ and assign duties of university police officers for the institution.
- B. The Chief of Police is appointed by the Vice President for Administration and has the authority and responsibility for the management, direction, and control of the operations and administration of the police department.
- C. *By virtue of the authority vested in me as Chief of Police of the University of New Mexico Police Department, I hereby prescribe and adopt the UNM PD STANDARD OPERATING PROCEDURES MANUAL as the standard operating procedures of the UNM PD. This Manual shall be the standing orders governing the actions of all personnel of this department and will supersede any former Manual editions and any current Special Orders.*

Signed:

Kevin McCabe
Kevin McCabe, Chief of Police

11-1-16

Date

III-02 SUPERVISORY ACCOUNTABILITY

- A. Supervisory personnel, both sworn and non-sworn, will be held accountable for the performance of employees under their immediate control. All employees will obey any lawful order of a supervisor, including any order relayed from a supervisor by an employee of the same or lesser rank.
- B. When an employee receives conflicting orders or directives, the employee shall advise the supervisor issuing the last order or directive of the conflict and if this does not resolve the conflict, the employee shall obey the last order or directive issued. The employee following this procedure will not be held responsible for disobeying the order or directive previously issued.



Effective: 11/01/2016 Revised:
CALEA Standard(s)—1.3.1; 1.3.5; 1.3.7; 1.3.9; 1.3.10; 1.3.13; 1.3.14

2-01 USE OF FORCE

POLICY

It is the policy of the UNM Police Department that officers use only the force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer and others. It must be stressed that the decision to use force is not a subjective determination and the decision is not left to the unfettered discretion of the involved officer. A use of force must be objectively reasonable. The officer must use only that force which a reasonably prudent officer would use under the same or similar circumstances.

DEFINITIONS

Deadly Force: Any use of force that creates a substantial risk of causing death or serious bodily harm.

Non-deadly Force: Any use of force other than that which is considered deadly force. This includes any physical effort used to control, restrain, or overcome the resistance of another.

Objectively Reasonable: This term means that, in determining the necessity for and appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the community.

RULES AND PROCEDURES

2-01-01 USE OF DEADLY FORCE

- A. Law enforcement officers are authorized to use deadly force when one or both of the following apply:
 - 1. To protect the officer or others from what is reasonably believed to be a threat of death or serious bodily harm.
 - 2. To prevent the escape of a fleeing violent felon who the officer has probable cause to believe will pose a significant threat of death or serious physical injury to the officer or others.
- B. Where practicable prior to discharge of a firearm, the officer shall identify himself or herself as a law enforcement officer and warn of his or her intent to shoot.
- C. Whenever an officer is a principal participant in an incident involving the use of deadly force resulting in death or great bodily injury, the officer shall be placed on administrative leave with pay for three days. While officers are on administrative leave, they will make themselves available to department or outside agency investigators. Returning to former duty status must be authorized by the Chief of Police or designee.



Effective: 11/01/2016 Revised:
CALEA Standard(s)—1.3.1; 1.3.5; 1.3.7; 1.3.9; 1.3.10; 1.3.13; 1.3.14

- D. All reported uses of force will be reviewed by the officer's lieutenant and commander to determine whether departmental rules and policies were violated and if department training was adequate. All findings shall be reported to the Chief of Police for resolution or discipline.

2-01-02 DEADLY FORCE RESTRICTIONS

- A. Warning shots are prohibited.
- B. Firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force. When possible, an officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants.
- C. Firearms shall not be discharged from a moving vehicle.

2-01-03 USE OF NON-DEADLY FORCE/LESS-LETHAL

- A. Where deadly force is not authorized or appropriate in a given situation where some type of force is necessary, officers will use only that level of force that is objectively reasonable to bring an incident under control.
- B. Officers are authorized to use department-approved, non-deadly force techniques and issued equipment when one or more of the following apply:
 - 1. To protect the officer or others from physical harm.
 - 2. To restrain or subdue a resistant individual.
 - 3. To bring an unlawful situation safely and effectively under control.
- C. Every effort will be made to inform other officers at the scene that a less lethal deployment is imminent.
- D. Whenever practical, a cover officer will provide lethal coverage for the officer using less lethal options.
- E. Less Lethal Options:
 - 1. Empty hand techniques – Include the use of close quarters striking, grabs, takedowns, and other appropriate arrest techniques to effect control of a resistant/combatative subject.
 - 2. Expandable Baton - Only officers who have completed an approved course of instruction of the use of an expandable baton are authorized to carry and use the device.
 - 3. Oleoresin Capsicum (OC) Aerosol Restraint Spray - Only officers who have completed an approved course of instruction of the use of OC restraint spray are authorized to carry and use the device.



UNIVERSITY OF NEW MEXICO POLICE DEPARTMENT
STANDARD OPERATING PROCEDURES 2ND EDITION



Page 3

Effective: 11/01/2016 Revised:
CALEA Standard(s)—1.3.1; 1.3.5; 1.3.7; 1.3.9; 1.3.10; 1.3.13; 1.3.14

- a. Do not use OC on a handcuffed person unless they continue to use physical force or violence against the officer, another person, or themselves which cannot be controlled by other means.
 - b. The effects of OC restraint spray vary among individuals. Therefore, all suspects shall be handcuffed as soon as possible after being sprayed. Officers should also be prepared to employ other force options to control the suspect if necessary, consistent with departmental policy.
 - c. Within a reasonable time following the deployment of OC spray, the officer will request AFD Rescue to decontaminate the arrestee and attend to any resultant medical needs. Air will normally begin reducing the effects of OC spray within several minutes after exposure. However, once the suspect has been physically restrained, officers may assist them by rinsing the exposed area with clean water.
 - d. Suspects who have been sprayed shall not be left alone and must be monitored continuously for indications of medical problems, which include but are not limited to breathing difficulties, profuse sweating, and loss of consciousness. If any medical concern arises, AFD Rescue will be called immediately.
4. Electronic Control Device/Taser - Only officers who have completed an approved certification and/or 2 year recertification course of instruction on the use of the ECD/TASER are authorized to carry and use the device. The Electronic Control Device/TASER has the ability to be used as a variable force option based upon the situation. It has three different force modes:
 - a. Show Force Mode – Showing the device, laser sight, and/or arc, to include “painting” the subject with the laser.
 - b. Drive Stun – Close quarter deployment with or without probes.
 - c. Standoff Mode – Deployment of probes outside of close quarter engagement.
5. Officers carrying or deploying the use of the ECD/TASER shall:
 - a. Carry the EDC/TASER in the departmental issued holster on the support or weak side of the duty belt. The ECD/TASER will never be holstered next to a firearm.
 - b. Never use the ECD/TASER in a punitive or coercive manner.
 - c. Not use ECD/TASER on a handcuffed person unless they continue to use physical force or violence against the officer, another person, or themselves which cannot be controlled by other means.
 - d. Not deploy the ECD/TASER on any suspect who does not communicate through words or actions the immediate intention to:
 - 1) Use physical violence or force against the officer, or another person, or themselves;



Effective: 11/01/2016 Revised:
CALEA Standard(s)—1.3.1; 1.3.5; 1.3.7; 1.3.9; 1.3.10; 1.3.13; 1.3.14

2) Physically resist or oppose an officer making a lawful detention or arrest.

e. Not use ECD/TASER on a fleeing subject:

1) A subject fleeing an officer making a lawful detention or arrest shall not be the sole justification for police use of an ECD/TASER.

2) Severity of offense and other circumstances should be considered before an officer uses an ECD/TASER on a fleeing subject.

f. Not utilize an ECD/TASER in any environment where an officer knows that potentially flammable, volatile, or explosive material is present (including but not limited to OC spray, with volatile propellant, gasoline, natural gas, drug lab flammables, or propane.

g. Not utilize an ECD/TASER in any environment where the subject's fall could reasonably result in death i.e. water or an elevated structure.

h. Not use an ECD/TASER on subjects who are passively resistant.

i. Avoid targeting the suspect's chest area (The target zone for a frontal deployment is low center mass and legs).

j. Shut down the ECD/TASER, once the suspect is secured.

6. Officers authorized to carry and use this device will:

a. Ensure that their individual ECD/TASER is fully functional and ready for duty use. Officer's will "spark test" the ECD/TASER weekly. Inspection of the air cartridge will be conducted weekly to ensure serviceability.

b. Request Albuquerque Fire Department personnel respond to the scene and conduct an examination to determine whether the individual has suffered any injury from the ECD /TASER discharge. An officer will accompany the suspect should they need to be transported to a medical facility.

2-01-04 REPORTING USES OF FORCE

A. In all incidences involving the use of force, the on-duty supervisor and/or OIC will be notified immediately or as soon as practical considering officer safety.

B. In all instances where the use of force results in death or great bodily harm, dispatchers will notify the officer's chain of command for orders on how to proceed with the follow-up investigation. The investigation will be conducted by the New Mexico State Police.

C. In all other instances where deadly force was used but did not result in injury to the suspect, the investigation will be handled by the appropriate lieutenant. A detective and field investigator will be called to process the scene for evidence.



Effective: 11/01/2016 Revised:
CALEA Standard(s)—1.3.1; 1.3.5; 1.3.7; 1.3.9; 1.3.10; 1.3.13; 1.3.14

- D. In all instances where less lethal force is used and does not result in death or great bodily harm to a suspect, the investigation will be handled by the officer's immediate supervisor and appropriate reports and photographs will be completed.
- E. Officers will document all injuries resulting from any use of force in the incident report form. A copy will be submitted through chain of command after review by the patrol lieutenant prior to the end of shift. The report will include a detailed description of the events leading to the necessity for the use of force; the amount and type of action used; the nature and extent of the injuries and treatment rendered to the officers and subjects; the identity of the suspects, officers involved, witnesses and medical personnel involved. If an officer is unable to write the report, the shift supervisor will ensure the necessary paperwork is properly prepared and forwarded.
- F. Following any police action which results in the injury of any individual, emergency medical attention will be immediately rendered, consistent with officer safety.
- G. The commander will document any police action on the officer's police action card.
- H. In all instances where the discharge of a firearm occurs, officers shall immediately notify their supervisor or the next supervisor in the chain of command. The supervisor will then immediately notify the commander. A written report will be submitted in all instances of the discharge of a firearm, including accidental discharges.
- I. In all instances where an officer draws his/her weapon off duty and points it at a person, notification to the shift supervisor will be made immediately who will then notify the chain of command. A copy of the incident report and all other supplemental reports will be forwarded to the chief of police upon release by the investigating agency.

2-01-05 SUPERVISOR RESPONSIBILITIES

- A. Ensure that incidents involving the use of force are properly investigated and documented, to include the Use of Force Form. Photographs will be included with all reports.
- B. Ensure that all officers under their command are trained and/or certified in the use of force devices they carry on-duty.
- C. Respond to scenes where any use of force is expected to be deployed or has been deployed.
- D. Ensure the chain of command is notified as soon as practical.



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CALEA Standard(s)—1.3.1; 1.3.5; 1.3.7; 1.3.9; 1.3.10; 1.3.13; 1.3.14

2-01-06 TRAINING

- A. In addition to training required for firearms qualification, officers shall receive agency-authorized training designed to simulate actual shooting situations and conditions and, as otherwise necessary, to enhance officers' discretion and judgment in using deadly and non-deadly force in accordance with this policy.
- B. All officers must receive training on all non-deadly force techniques and issued equipment before being authorized to use those techniques or equipment.



Effective: 11/01/2016
CALEA Standard(s)--

Revised:

2-13 ACTIVE SHOOTER INCIDENTS

POLICY

It is the policy of the University of New Mexico Police Department to protect life. Officers responding to an Active Shooter incident shall accomplish this goal by immediately using any means at their disposal to make contact with the active shooter(s) and stop the criminal activity. This may include arrest, containment, or the use of deadly force. The killing and injuring of innocent individuals must be stopped immediately.

Use of Force directives and other policy considerations are in effect in any incident involving the use of force and are to be adhered to except as described in this policy for the purpose of utilizing directed fire for the protection of the lives of citizens and officers during a response to an Active Shooter incident.

ALL ON-DUTY SWORN OFFICERS WHO ARE NOT ON AN EMERGENCY CALL SHALL RESPOND TO THE ACTIVE SHOOTER INCIDENT.

DEFINITIONS:

- A. Active Shooter: Any individual(s) whose activity is causing death or serious bodily injury. The activity is not contained and there is a risk of death or serious injury to individuals. The overriding objective appears to be that of mass murder, rather than other criminal conduct, such as robbery, hostage taking, etc.
- B. Immediate Deployment: The swift and immediate deployment of law enforcement resources to an on-going, life threatening situation, where delayed deployment could otherwise result in death or serious bodily injury to innocent persons.
- C. Directed Fire - is a more limited technique in which deadly force is aimed at a specific known threat in order to stop incoming fire from the threat. This may provide time for police officers to distract an active shooter, to take a new position without being fired upon, or to achieve another objective. Directed fire is not indiscriminate fire ... each round is a use of deadly force. In very limited circumstances, where there exists a direct threat to life, firing on an offender's location is a valid and necessary response to protect innocent lives, which includes the police.
- D. Contact Officer: active shooter situation is to go in immediate pursuit of the active shooter. The main objective of the first officer at the scene is to make contact as soon as possible and stop the active shooter by arrest, containment or the use of deadly force. They will continue past victims and distractions. If able to do so they will relay their location and the number of suspects and type of weapons being used.



Effective: 11/01/2016
CALEA Standard(s)--

Revised:

- E. Contact Team: Arriving officers will immediately go to the assistance of the Contact Officer and stop the active shooter by arrest, containment, or use of deadly force. They will relay the location of victims to the rescue team. One officer at the scene will assume the role of the team leader, relaying intelligence information to the incident commander so they will be able to make decisions on where to direct the arriving units. If possible, at least one officer in the contact team should have a shotgun or rifle.
- F. Rescue Team: Additional arriving officers on the scene will form a Rescue Team, whose mission is to locate and remove injured victims, and direct uninjured victims out of the building. The rapidly changing dynamics of the incident may put officers in contact with the suspect(s), requiring officers to assume the role of a Contact Team.
- G. Incident Commander: The first supervisor or the officer in charge (OIC) to arrive at the scene, who is not part of a Contact or Rescue Team, will become the Incident Commander (IC), and will establish a command post at a safe location, close enough to the scene to handle command and control functions and support responding officers. (Refer to the 7 Critical Tasks).

RULES AND PROCEDURES

2-13-01 RESPONSE

A. Dispatcher Responsibilities:

1. Dispatch the call immediately.
2. Broadcast information to responding units: location and number of suspects (if known), type(s) of weapons involved and safe approach route.
3. Secure a radio frequency for the operation.
4. Notify the chain of command.
5. Notify additional resources as needed.
6. Call the appropriate emergency responders to assist in the case of an evacuation/sheltering-in-place.

B. Officer Responsibilities:

1. Request immediate back-up.
2. Contact officer (s) will engage the threat immediately. (First officer on scene will assess the situation, form a plan, and respond to the threat. Not recommended, but a single officer may have to act alone in order to save lives. That officer will become the contact officer. Ideally a contact team is needed.)
3. Additional officers will take action to stabilize the scene. (additional officers will either be part of the contact team or form a rescue team.)
4. Depending on the circumstances, evacuate or shelter-in-place citizens from within the perimeter. (Needed to add responsibilities if situation turns into a hostage or barricaded situation.)



Effective: 11/01/2016
CALEA Standard(s)–

Revised:

C. Supervisor or OIC Responsibilities:

1. The first arriving supervisor or OIC not part of the contact team will serve as the IC.
2. He/she will assume responsibility for directing the incident.
3. Obtain information at the scene as soon as possible (who, what, where, when, how).
4. Ensure scene is stabilized (Make sure the scene is contained so it does not expand or go mobile).
5. Choose a safe staging area for arriving personnel. (Establishing a command post. Reverting back to the 7 critical tasks.)
6. Form additional rescue teams as necessary.
7. When outside agencies arrive, ensure that proper communications are established and maintained.
8. Coordinate with Emergency Operations Center (EOC) Operations Chief.
9. The decision to reoccupy an evacuated building will be made by the EOC director.

D. Other responsibilities are coordinating with other agencies, investigating officers, and medical personnel. Ensuring alert system is activated. Accounting for all officers and utilizing all available resources.



Effective: 11/01/2016
CALEA Standard(s)—42.1.1

Revised:

2-30 CRIMINAL INVESTIGATIONS

POLICY

The purpose of the policy is to establish guidelines, standards, and protocols in the investigation of misdemeanor and felony crimes. It is the responsibility of both uniformed officers, and officers assigned to the Detective Unit to carry out investigations in a thorough, efficient, and timely manner. Departmental personnel will assure compliance with any and all constitutional requirements during criminal investigation which include guarding against coercion or involuntary confessions and admissions, failure to inform defendants of their rights, deprivation of counsel, pretrial publicity, etc.

DEFINITIONS

Preliminary Investigation:

This is the initial stage of any investigation. The preliminary investigation includes gathering of evidence, taking statements, etc. Preliminary investigations are initiated when information is brought to the attention of an officer by means of a complaint, a dispatch notice, a telephone conversation, personal observation, or other viable means. Preliminary investigations will be conducted on all felony, misdemeanor crimes and any other incidents of a suspicious nature.

Follow Up Investigation:

A follow up investigation is the continuing and final stages in any investigation, unless the investigation was closed as part of the preliminary investigation. Follow up investigations include written status reports of the investigation, supplemental reports forwarded to the district attorney's office, warrant affidavits, etc.

Follow up investigations include those investigations which were not solved or cleared in the initial stage or where such investigations have either been assigned to an officer within the Detective Unit or are being investigated further by the primary officer.

Primary Officer/Investigator:

The officer assigned primary responsibility and accountability for an investigation.

RULES AND PROCEDURES

2-30-01 IN PROGRESS/PRELIMINARY INVESTIGATIONS

A. Primary officer on Scene/Reporting Officer Duties:

1. Provide aid to injured and secure the scene from hazards.
2. Will conduct a preliminary investigation on all felony and misdemeanor crimes and any other incidents of a suspicious nature.



Effective: 11/01/2016
CALEA Standard(s)—42.1.1

Revised:

3. The primary officer will determine the exact nature of the call and either begin a preliminary investigation or call the appropriate investigative agency, if necessary.
4. The on-duty Sergeant/OIC will be immediately notified if an outside agency is being requested by the primary officer.
5. Determine the size of the crime scene and secure with crime scene tape or other barricades.
6. Prevent unauthorized and non-essential persons from entering the scene, to include police personnel.
7. Log the entry of all persons into and from the scene.
8. Confer with the shift supervisor upon their arrival.
9. Assume control of the scene until relieved by the OIC and/or supervisor.
10. The primary officer will be responsible for completing the initial offense/incident report and will indicate specific information as to the status of assignment for follow up investigations.

B. Shift Supervisor Duties/Responsibilities:

1. Determine the type of investigation necessary.
2. Death investigations and Police Shootings:
 - a. When cursory evidence indicates that an incident may be a homicide or suspicious death, or in incidents involving a police shooting, assign personnel to work with the New Mexico State Police Investigations Bureau, or as directed by the chief of police.
 - b. Ensure that scenes involving obviously dead victims are preserved and the body is not disturbed.
3. Designate an officer in charge for each crime scene. This person shall answer to the shift supervisor.
4. Request the dispatcher make notifications to specialized units, detectives, or outside agencies as necessary.
5. Designate additional personnel for scene security, witness canvass, field investigation, etc. as needed.
6. Consult with the assigned detective, special unit, or outside agency liaison on a regular basis for case updates.
7. Ensure that subordinate personnel understand and complete assigned tasks.
8. Designate appropriate media area, away from danger and away from the scene itself.
9. Answer basic media inquiries, giving only general information which is or would be available on a public police report. Direct specific media inquiries to the public information officer.
10. The Patrol Lieutenant shall have overall responsibility for the incident and shall coordinate between all scenes and command personnel.



Effective: 11/01/2016
CALEA Standard(s)—42.1.1

Revised:

C. Detective/Investigating Officer Responsibilities:

1. An officer in charge of the crime scene shall be designated by and answer to the shift supervisor. The officer in charge of the crime scene shall be responsible for designating all tasks to be performed at a scene. This shall usually be the lead detective of the case, or officer responsible for the investigation and shall make all requests for assistance through the shift supervisor.
2. Determine what tasks should be performed to conclude the incident at this scene. This should be done with the intention of collecting all necessary evidence and preparing a thorough case for prosecution. He/she shall designate these tasks to officers on their scene and shall ensure that these tasks are completed as designated.
3. Evaluate the size of the initial crime scene and adjust as necessary to prevent contamination of the scene and unnecessary intrusion by media or non-essential personnel.
4. Designate the scope and type of field investigation required and communicate this to the Field Investigator. Identify all evidence which is relevant to the incident and communicate this to the Field Investigator. Obtain all reports from Field Investigators for inclusion in the case jacket.
5. Prepare, or designate to others, the preparation of necessary supplements documents (narrative supplements, criminal complaints, investigation notes) for reporting and court cases.
6. Ensure that all witnesses have been identified and interviewed.
7. Coordinate with the incident commander as requested or needed to provide regular updates.
8. Present the case and all reports, in a timely manner, to the supervisor of detectives, or designated supervisor, for review and approval.
9. Prepare the case for presentation to the appropriate prosecutor.

D. Field Investigator Responsibilities:

1. Field Investigators shall answer to the officer in charge of the crime scene.
2. Responsible for collecting and documenting all evidence requested by the officer in charge of the crime scene, in a manner consistent with training and currently accepted professional practices.
3. Provide regular updates to the officer in charge of the crime scene.
4. Log and tag all evidence collected.
5. Submit all reports and evidence sheets to the officer in charge of the crime scene in a timely manner. This shall be done at the conclusion of the incident, prior to the end of an investigator's tour of duty, unless otherwise directed.

2-30-02 FOLLOW UP INVESTIGATIONS

- A. Follow up investigations remain assigned to the primary officer unless otherwise specified by the on-duty Sergeant/OIC or Lieutenant of Detectives.
- B. It is the responsibility of the investigating officer's immediate supervisor to ensure that a proper and thorough investigation is completed.



Effective: 11/01/2016
CALEA Standard(s)—42.1.1

Revised:

- C. It is the responsibility of the Lieutenant of Detectives to ensure that a case preparation check list form is completed on all felony cases, regardless if they are submitted to the district attorney's office or not. (A copy of the check list is included following the policy rules.)
- D. A conclusion and the status of the completed case must be included in the last paragraph of the supplemental report. An example is:
 - 1. This case should be considered (case status is inserted here) and is being sent to the Bernalillo County District Attorney's Office for review and possible prosecution.
 - 2. The following options will be used for case status:
 - a. Case Unfounded
 - b. Case Cleared by Arrest
 - c. Case Exceptionally Cleared
 - d. Case Open: Pending Arrest of Person
 - e. Case Closed: Pending Further Leads
- E. Monthly case logs and review:
 - 1. All officers/detectives will complete a monthly case log for open/active cases. The case log will be submitted to the officer's/detectives immediate supervisor.
 - 2. All patrol sergeants will ensure that case logs are submitted each month for review. A case review will be conducted with each officer and a copy of all case logs will be forwarded to the lieutenant of detectives.
 - 3. The lieutenant of detectives will review all monthly case logs on all active cases to ensure accountability throughout the investigative process and submission to the district attorney's office. A compiled monthly case review log of all open/active cases will be forwarded to the commander of operations.
- F. The lieutenant of detectives will also maintain a tracking file on all cases submitted to the Bernalillo County District Attorney's Office along with any updated dispositions.
- G. The lieutenant of detectives will be responsible to ensure that the completed cases are forwarded to Records to ensure proper distribution and ensure the disposition of the case is updated on the Clery daily crime log.
- H. All officers and supervisors will refer to policy 2-31 regarding Sexual Assault Investigations.



**NEW MEXICO DEPARTMENT OF PUBLIC SAFETY
LAW ENFORCEMENT ACADEMY**
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December 19, 2016

DELIVERED VIA ELECTRONIC MAIL

Chief Kevin McCabe
UNM Police Department
MSC02-1540
Albuquerque, NM 0

RE: Request for Policies and Procedures Related to Officer-Involved Shootings and Other Use-of-Force Incidents

Dear Chief McCabe:

Officer-involved shootings and other use-of-force incidents have become an area of focus for the law enforcement profession in recent years. These tragic events have devastating consequences for both civilian and law enforcement communities, and it is the responsibility of law enforcement to ensure that investigations of such incidents are completed in an appropriate and thorough manner.

Sound investigations are built on a foundation of well-crafted policies and procedures. As such, the Law Enforcement Academy Board has formed a subcommittee to begin working with law enforcement agencies across the state to gather information about the current status of policies and procedures utilized to respond to these critical incidents.

The goal of the subcommittee's undertaking is to gather and review all policies and procedures from New Mexico law enforcement agencies pertaining to these issues. Our hope is that the review will provide information necessary to understand the current landscape of policies across the state. Further, the review will help identify best practices and areas, if any, for improvement within agencies, and will allow the subcommittee to support agencies as they work to update policies and procedures so they best serve them and the public moving forward.

The subcommittee members respectfully request that you submit all policies and procedures utilized by your agency to respond to officer-involved shootings and other use-of-force incidents. Additionally, please include the last time those policies were reviewed and/or revised, and how often your staff receives training on these policies. All materials may be submitted electronically to dmontoya@nmag.gov or via mail to:

c/o Darlene Montoya
P.O. Drawer 1508
Santa Fe, New Mexico 87504-1508



NEW MEXICO'S POLICE OFFICER STANDARDS AND TRAINING AGENCY

***Correspondence to Chief McCabe
December 19, 2016
Page 2 of 2***

Please submit all relevant material by January 27, 2017. Do not hesitate to contact Sonya Carrasco-Trujillo directly with any questions at scarrasco-trujillo@nmag.gov.

The Subcommittee looks forward to working with your agency and supporting you as you continue to address the important public safety issues that face our state and our nation. We thank you for the work you do for the State of New Mexico and appreciate your willingness to engage in this process.

Respectfully,

Law Enforcement Academy Board Subcommittee:

/s/ Pete Kassetas, Chief
New Mexico State Police

/s/ Darren Soland, Chief
Navajo Department of Public Safety

/s/ Elisabeth Miller, PH.D.
Citizen Board Member

/s/ Kelly Burnham
Citizen Board Member